

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department - Khammam District- Appeal Petition filed by Sri Poloji Veerachary S/o Ramaiah, R/o Manuguru, Khammam District U/s. 7 (2) of AP (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 1993 against the orders passed by District Collector, Khammam District in Procs.Rc.No.D3/3160/2008, dated 16.3.2011 - Rejected - Orders – Issued

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 13

Dated: 15-03-2018
Read the following:-

1. Proceedings of the Dist. Collector, Khammam Rc.No.D3-3160/08, dt.16.3.2011.
2. Appeal Petition filed by Sri Poloji Veerachary, S/o Ramaiah, R/o Manuguru, Khammam District dated: 30.5.2011.
3. Govt.Memo.No.7769/CV.2/2011, dated: 21.6.2011 & 24.01.2012.
4. Lr.Rc.No.D3/3169/2008, dated .2.2012 of the Dist. Collector, Khammam Dist.
5. From the Addl.DGP, CID AP DO Lr.C.No.3528/C41/CID/2011, dt.23.10.2013, dt. -03-2014 and 03.05.2014.
6. Govt.Lr.No.7769/TW.LTR.2/2011, dated: 26.3.2015, 4.4.2015, 22.7.2015, 10.11.2015, 22.12.2015 & 22.1.2016.
7. Govt.Memo.No.7769/TW.LTR.2/2001,dated 13.02.2016.
8. From the CTW Hyd.Lr.Rc.No.117/2016/TRI/TSV/VC-8, dt.17.5.2016.
9. Govt.Lr.No.7769/TW.LTR.2/2011, dated 28.10.2016.

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ORDER

In the reference 1st read above, the District Collector, Khammam after careful examination of the inquiry findings of the District Level Scrutiny Committee had passed orders cancelling the Scheduled Tribe Koya caste certificate obtained fraudulently by Sri Poloji Veerachary S/o Ramaiah R/o Manuguru from the Tahsildar, Manuguru vide Certificate No.B2/2484/84, dt.18.9.1984, wherein it was established that he belongs to "Odrangi" (Vadla) community and matrimonial tie-ups and other social obligations of all his family members are with Vadla community and not with Scheduled Tribes. Except an entry in the caste-column of the school Transfer Certificate with over-writings/corrections, nowhere his caste was mentioned as ST-Koya.

2. Aggrieved by the above orders of the District Collector, Khammam, in the ref.2nd read above, Sri Poloji Veerachary S/o Ramaiah R/o Manuguru, Khammam has filed Appeal Petition before the Government under Section 7 (2) of AP (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993) urging the following grounds:

- The order of cancellation of Caste Certificate is not sustainable on the face of evidence available on record and the orders issued by the Government from time to time.
- The order of the District Collector is erroneous for not considering the entry in Transfer Certificate of the appellant on the ground of over-writing.
- The District Collector failed to consider the continuous entries in educational record of the Appellant, which cannot be doubted unless the same are corrected by the Competent Authority.
- The District Collector failed to see that the report of Mandal Revenue Officer is without any basis and no credence should be given to it.
- The District Collector failed to give cogent reasons, as to why the evidence of Appellant should not be considered.
- The finding that surname of the Appellant is quite un-common among tribes is erroneous, baseless and cannot be a ground to reject the case of Appellant.
- The District Collector failed to consider explanation of the appellant thereby the order is wholly vitiated.

3. The Government have called for original record and Para-wise remarks from the District Collector, Khammam and conducted hearings/further enquiries.

(P.T.O.)

4. After careful examination of the grounds and Written Arguments of the Appellant and documentary evidence available on record, it is found that:

- The Appellant admitted that his father Sri Poloji Ramaiah belongs to Odrangi (Backward Classes) community. His father married Smt. Kotagiri Sammakka of the same Odrangi Backward Classes community and out of wedlock, they got (4) children (1) daughter and (3) sons all of them belong to Odrangi.
- The Appellant further admitted that he married Kamsali Backward Classes community woman viz., Smt. Krishna kumari and caste of his two children i.e. son viz., P. Shyam and daughter viz., and P. Shalini was also recorded as BC Kamsali in their school records.
- Had the Appellant really belongs to Scheduled Tribe Koya community, he should have got recorded the same in the school records of his children. Further, his children also married persons belonging to Kamsali Backward Classes community.
- Except an entry in the School Transfer Certificate with over-writings/corrections, he failed to produce school record pertaining to initial study from 1st class to 4th class or any other valid evidence to prove his claim that he belongs to ST Koya community.
- The plea of the Appellant now made before the Government that his father had married another woman by name Smt. Panuganti Narsamma who belonged to ST Koya caste and that he was born to her has no evidence and is not acceptable as per law. It is an after-thought of the Appellant to win his case before the Government which was not pleaded before the District Level Scrutiny Committee.
- Apparently, all the evidence available on record goes to prove that the Appellant belongs to Viswabrahmin community which represents group of Backward Classes communities viz., Ausula, Kamsali (Swarnakar or goldsmiths), Kammari (blacksmith), Kammari/Silpis (sculptors stone-carvers), Kanchari, Vadla or Vadrangi (carpenter) and Viswakarma (architects).

5. Government after careful examination of the matter hereby rejects the Appeal Petition of Sri Poloji Veerachary @ Veeraiah S/o Ramaiah R/o Manuguru and upholds the orders of the District Collector, Khammam in Procs.Rc.No.D3/3160/08, dt.16.3.2011 in cancelling his ST Koya Caste Certificate obtained fraudulently from the Mandal Revenue Officer Manuguru vide Ref.No.B2/2484/84, dt.18.9.1984.

6. The District Collector, Bhadradi Kothagudem shall take further necessary action as per rules.

7. The original case records received in the ref.4th read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

1) Sri Poloji Veerachary S/o Ramaiah, R/o Munuguru,
Khammam District

2) The District Collector & Magistrate, Erstwhile Khammam
District now Bhadradi Kothagudem District (w.e.)

Copy to :

The Addl. DGP, CID, Hyderabad w.r.t. the Cr.No.63/2011.

The Tahsildar, Manuguru, Erstwhile Khammam and
now Bhadradi Kothagudem District.

Sri Sai Gangadhar Chamarty & Ramasekhara Rao Channa,
Advocates, Plot No. 305, Aditya Arcade, Sri Sai Block,
Azamabad, Hyderabad-20.

P.S to M(TW)/

P.S. to Secretary(TW)

SF/SC

// FORWARDED::BY ORDER//

SECTION OFFICER